



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 299 OF 2021

Rohtash

....COMPLAINANT(S)

VERSUS

M/s Ruhil Promoter Pvt. Ltd.

....RESPONDENT(S)

**CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag**

**Chairman
Mmeber
Member**

Date of Hearing: 02.09.2021

Hearing: 3rd

Present through video call: - Sh. Yashpal, Learned counsel for the complainant

Adv. Rakhi, Learned counsel for the respondent

ORDER (DILBAG SINGH SIHAG- MEMBER)

1. Complainant in this case has sought possession of a flat bearing no. I-1103, eleventh floor, allotted in the year 2012 in respondent project namely, 'Ruhil Residency, Bahadurgarh'. He has already paid ₹28,43,616/- against basic sale price of ₹30,05,000/-. As per agreement dated 01.12.2012 respondent had committed to deliver possession of the unit within 36 months along with grace period of six months from the date of agreement, which comes to 30.05.2016. Despite a lapse of almost five years from the deemed date of possession, respondent has not given possession of booked flat to the complainant. He further pleaded that more than nine years have gone from date of agreement and project was still incomplete. Therefore, complainant has prayed for possession of the flat along with delay interest till offer of possession with Occupation Certificate from the promoter.

2. On the other hand, learned counsel for the respondent raised his objection in this regard submitting that project has already been registered with this Authority vide Registration No. 139 of 2017, dated 28.08.2019. In their application of registration, it has been declared by the respondents that Phase-I of the project i.e. Towers A, B, C, D, EWS, Commercial Shops would be completed by June 2019, whereas Phase-II of the project covering Towers - E, F, G, H, I, J, Low rise part of the project and Primary school

would be completed by December 2019. Further respondent counsel stated that apartment of the complainant has been completed in all respects and he was waiting for Occupation Certificate since his application was pending with DTCP. At this stage, awarding upfront payment will adversely increase the financial hardship of the promoter. Therefore, Authority is requested not to award upfront payment of interest for delay to the complainants. He also stated that Occupation Certificate for the entire project was applied on 11.06.2021 and pending with the concerned Department. They hope that same will be granted. Therefore, he also pleaded that there would be no legal possession of the apartment to the complainant without obtaining Occupation Certificate.

3. After hearing both the parties and going through the documents placed on record, Authority observes that complainant has sought relief of possession of allotted flat along with interest on account of delay by the respondent to deliver possession on the agreed date. The complainant is not interested in withdrawing from the project, despite delay on the part of the respondent in completing the project. Therefore, the only relief which at present can be awarded to him is to direct the promoter to pay upfront interest for delay along with payment of every monthly delay interest till the handing over of possession as provided in Section 18 of RERA Act, 2016.

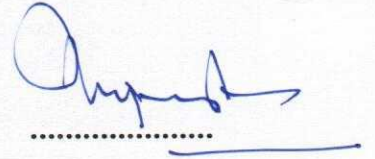
So, Authority decides that complainant is entitled to be paid upfront interest on the already paid amount from the deemed date of possession i.e. 30.05.2016 till today i.e. 02.09.2021. Account branch of this Authority has calculated the interest as per Rule 15 of HRERA, Rules 2017, to the tune of ₹ 13,91,837/- as interest payable to the complainant from deemed date of possession i.e. 30.05.2016 till 02.09.2021.

4. Now, upfront interest payable to the complainant on account of delay in delivery of possession from deemed date of possession i.e. 30.05.2016 till 02.09.2021 works out to ₹13,91,837/-. Besides said amount of interest, complainant is also entitled to receive each month's interest on the paid amount of ₹28,43,616/- from 03.09.2021 onwards till the delivery of actual possession after obtaining Occupation Certificate. Such interest works out to ₹22,038/- per month as calculated by the accounts branch of this Authority.

Respondent is further directed that fifty percent of the total sum payable to the complainant shall be paid within 45 days from the date of uploading of this order and the remaining fifty percent in next 45 days.



5. **Disposed of.** File be consigned to record room and order be uploaded on the website of the Authority.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]

